

MSHA: Silica Review – What is Happening? (45 FR 23990)(30CFR 70.100)

I just performed a quick review of where MSHA stands concerning developing a new Silica standard. At this time there is no momentum from MSHA to revise the standard. I do not foresee this changing in the near future considering the present administration that is running the country. This might change after the next election.



MSHA intends to use OSHA's work on the health effects and risk assessment, adapting it as necessary for the mining industry. This rulemaking would improve health protection from that afforded by the existing standards. They intended to use OSHA's risk assessment and peer review of the scientific literature that had already been done by OSHA in formulating its rule. MSHA will consider alternative methods of addressing miners' exposures based on the capabilities of the sampling and analytical methods.

What do you do now? Wait for the new rule? Prudent managers will continue to focus on limiting workplace exposures to silica and complying with MSHA's existing rules. I imagine that MSHA is enforcing the current rule to emphasize the importance of reducing exposure to silica. Facilities should study the New OSHA Silica standard and familiarize themselves with OSHA's expectations regarding silica. This will help your facility be prepared once MSHA develops its own rule.

MSHA has not said previously what the final exposure cap would be, but noted that the National Institute for Occupational Safety and Health (NIOSH) has recommended a 50 ug/m³ exposure limit to respirable crystalline silica in mining.

In conclusion, I recommend that all facilities keep up with the existing silica regulations. Make sure you are in full compliance with the regulations. Study the OSHA silica regulations and be ready to adopt these regulations as the MSHA regulation is most likely to mirror it. MSHA is probably years away from implementing a new silica standard but should you just wait? Waiting is ok but what is best for your company and your employees? Reducing or eliminating silica exposures is the right thing to do. Keep working on how to reduce silica exposures at your facilities.



MSHA's Existing Respirable Dust Standards

MSHA's existing respirable dust standards, promulgated on April 8, 1980 (45 FR 23990) under Section 101 of the Mine Act, superseded Section 202(b) of the Mine Act. The standards require coal mine operators to continuously maintain the average concentration of respirable dust to which each miner is exposed during each shift at or below 2.0 milligrams per cubic meter of air (2.0 mg/m³) (30 CFR 70.100, underground coal mines; and 71.100, surface coal mines and surface areas of underground coal mines). Miners who have evidence of pneumoconiosis and are employed at underground coal mines or surface work areas of underground coal mines have the option to work in areas where average respirable dust concentrations do not exceed 1.0 mg/m³ of air (30 CFR 90.100, part 90 miners). There is no separate standard for respirable silica; rather, where the respirable coal mine dust contains more than five percent quartz, the respirable coal mine dust standard is computed by dividing the percentage of quartz into the number 10 (30 CFR 70.101 (underground coal mines), § 71.101 (surface coal mines and surface areas of underground coal mines), and § 90.101 (part 90 miners)).

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